

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1703 be amended to read as follows:

- 1 Page 2, delete lines 12 through 21, begin a new paragraph and
- 2 insert:
- 3 **"(h) A school employee who reasonably believes that a student**
- 4 **possesses or has possessed a firearm:**
- 5 **(1) in or on school property;**
- 6 **(2) in or on property that is being used by a school for a**
- 7 **school function; or**
- 8 **(3) on a school bus;**
- 9 **shall immediately notify the school superintendent or the**
- 10 **superintendent's designee. The notification required under this**
- 11 **subsection must be in writing.**
- 12 **(i) A superintendent or superintendent's designee who receives**
- 13 **a written notification under subsection (h) shall immediately notify**
- 14 **a law enforcement agency in the county in which the school is**
- 15 **located. The law enforcement agency shall:**
- 16 **(1) begin an investigation and cause any appropriate action**
- 17 **to be taken under IC 31-37-5-3.4 or IC 31-37-5-3.7; and**
- 18 **(2) report the matter to the prosecuting attorney of the**
- 19 **county in which the school is located for further**
- 20 **investigation, if appropriate."**
- 21 Page 2, line 24, delete "subsection (c)" and insert **"section 3.4 or**
- 22 **3.7 of this chapter"**.
- 23 Page 3, delete lines 1 through 10, begin a new paragraph and
- 24 insert:

"SECTION 3. IC 31-37-5-3.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 3.4. (a) This section applies to a child who is:**

- (1) less than ten (10) years of age; and**
- (2) taken into custody:**
 - (A) by a law enforcement officer;**
 - (B) without an order of the court; and**
 - (C) for possession of a firearm:**
 - (i) in or on school property;**
 - (ii) in or on property that is being used by a school for a school function; or**
 - (iii) on a school bus.**

(b) A law enforcement officer may release a child described in subsection (a) to the child's parent, guardian, or custodian upon the person's written promise to bring the child before the juvenile court at a time specified. However, the law enforcement officer may place the child in detention if the law enforcement officer reasonably believes that one (1) or more of the conditions of section 3(a)(1) through 3(a)(5) of this chapter exist.

(c) If a child is detained under subsection (b), the child shall be detained under IC 31-37-7-1.

(d) The court shall order a child described in subsection (a) to undergo a psychological evaluation by a licensed physician or clinical psychologist to assist the court in determining under IC 31-37-6-6(a) if detention of the child is essential to protect the child or the community.

(e) The physician or psychologist conducting an evaluation required under subsection (d) shall provide a report of the evaluation to the court before:

- (1) the detention hearing held under IC 31-37-6, if the child is detained under subsection (b); or**
- (2) the child appears in juvenile court at the time specified upon the child's release, if the child is released under subsection (b).**

SECTION 4. IC 31-37-5-3.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 3.7. (a) This section applies to a child who is:**

- (1) at least ten (10) years of age; and**
- (2) taken into custody:**
 - (A) by a law enforcement officer;**
 - (B) without an order of the court; and**
 - (C) for possession of a firearm:**
 - (i) in or on school property;**
 - (ii) in or on property that is being used by a school**

1 for a school function; or
2 (iii) on a school bus.

3 (b) A law enforcement officer shall place in detention a child
4 described in subsection (a).

5 (c) A child detained under subsection (b) shall be held in
6 detention until a detention hearing is held under IC 31-37-6.

7 (d) The court shall order a child described in subsection (a) to
8 undergo a psychological evaluation by a licensed physician or
9 clinical psychologist to assist the court in determining under
10 IC 31-37-6-6(a) if detention of the child is essential to protect the
11 child or the community.

12 (e) The physician or psychologist conducting an evaluation
13 required under subsection (d) shall provide a report of the
14 evaluation to the court before the detention hearing."

15 Page 3, line 13, delete "subsection (c)" and insert "section 5.4 or
16 5.7 of this chapter".

17 Page 3, delete lines 33 through 42, begin a new paragraph and
18 insert:

19 "SECTION 6. IC 31-37-5-5.4 IS ADDED TO THE INDIANA
20 CODE AS A NEW SECTION TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 1999]: **Sec. 5.4. (a) This section applies to a**
22 **child who is:**

- 23 (1) less than ten (10) years of age; and
24 (2) taken into custody:
25 (A) by an intake officer;
26 (B) without an order of the court; and
27 (C) for possession of a firearm:
28 (i) in or on school property;
29 (ii) in or on property that is being used by a school
30 for a school function; or
31 (iii) on a school bus.

32 (b) An intake officer may release a child described in
33 subsection (a) to the child's parent, guardian, or custodian upon
34 the person's written promise to bring the child before the juvenile
35 court at a time specified. However, the intake officer may place the
36 child in detention if the intake officer reasonably believes that:

- 37 (1) the child is a delinquent child; and
38 (2) one (1) or more of the conditions of section 5(a)(1)
39 through 5(a)(5) of this chapter exist.

40 (c) If a child is detained under subsection (b), the child shall be
41 detained under IC 31-37-7-1.

42 (d) The court shall order a child described in subsection (a) to
43 undergo a psychological evaluation by a licensed physician or
44 clinical psychologist to assist the court in determining under
45 IC 31-37-6-6(a) if detention of the child is essential to protect the
46 child or the community.

(e) The physician or psychologist conducting an evaluation required under subsection (d) shall provide a report of the evaluation to the court before:

- (1) the detention hearing held under IC 31-37-6, if the child is detained under subsection (b); or
- (2) the child appears in juvenile court at the time specified upon the child's release, if the child is released under subsection (b).

SECTION 7. IC 31-37-5-5.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 5.7. (a) This section applies to a child who is:**

- (1) at least ten (10) years of age; and
- (2) taken into custody:
 - (A) by an intake officer;
 - (B) without an order of the court; and
 - (C) for possession of a firearm:
 - (i) in or on school property;
 - (ii) in or on property that is being used by a school for a school function; or
 - (iii) on a school bus.

(b) An intake officer shall place in detention a child described in subsection (a).

(c) A child detained under subsection (b) shall be held in detention until a detention hearing is held under IC 31-37-6.

(d) The court shall order a child described in subsection (a) to undergo a psychological evaluation by a licensed physician or clinical psychologist to assist the court in determining under IC 31-37-6-6(a) if detention of the child is essential to protect the child or the community.

(e) The physician or psychologist conducting an evaluation required under subsection (d) shall provide a report of the evaluation to the court before the detention hearing.

SECTION 8. IC 31-37-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 6. (a)** The juvenile court shall release the child on the child's own recognizance or to the child's parent, guardian, or custodian upon the person's written promise to bring the child before the court at a time specified. However, the court may order the child detained if the court finds probable cause to believe the child is a delinquent child and that:

- (1) the child is unlikely to appear for subsequent proceedings;
- (2) detention is essential to protect the child or the community;
- (3) the parent, guardian, or custodian:
 - (A) cannot be located; or
 - (B) is unable or unwilling to take custody of the child; or
- (4) the child has a reasonable basis for requesting that the child

- 1 not be released; or
2 **(5) the psychological evaluation required under**
3 **IC 31-37-5-3.4, IC 31-37-5-3.7, IC 31-37-5-5.4, or**
4 **IC 31-37-5-5.7 has not been completed.**
5 (b) If a child is detained for a reason specified in subsection (a)(3)
6 or (a)(4), the child shall be detained under IC 31-37-7-1.
7 **(c) If a child is detained under subsection (a)(5), the court**
8 **shall:**
9 **(1) grant the physician or psychologist conducting the**
10 **evaluation an additional period not to exceed forty-eight (48)**
11 **hours to complete the evaluation; and**
12 **(2) hold a hearing within forty-eight (48) hours of receiving**
13 **the report of the evaluation to determine if the child should**
14 **be detained under subsection (a)(1) through (a)(4)."**
15 Renumber all SECTIONS consecutively.
(Reference is to HB 1703 as printed February 16, 1999.)

Representative Cheney